*Municipal Affairs*

# Basic Principles of Bylaws

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Alberta

Alberta Municipal Affairs (2013) *Basic Principles of Bylaws*

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## Table of Contents

Introduction ..... 1

Definition ..... 1

Authority ..... 1

Drafting Bylaws ..... 1

Parts of a Bylaw ..... 2

Passing a Bylaw ..... 3

Amending or Repealing Bylaws ..... 4

Petition for a Bylaw ..... 4

Petitions for Advertised Bylaws ..... 5

Challenging Bylaws and Resolutions ..... 5

Security of Bylaws ..... 6

Appendix 1 - *Municipal Government Act* Sections Requiring Bylaws

Appendix 2 - Sample Bylaws

## Introduction

Section 7 of the *Municipal Government Act (MGA)* sets out the general jurisdiction *to* pass bylaws. This general jurisdiction gives broad authority to municipalities *to* develop bylaws unique to each municipality. Councils are expected to act in good faith and in the public interest when creating laws. Municipal administration, who usually drafts bylaws, is expected to act in good faith when carrying out the responsibility. Creating a bylaw that meets general statutory and fundamental principle standards is only part of the process. Municipal administration should aim to create bylaws that are understandable, enforceable and accomplish the council's desired goal. A listing of the sections of the *MGA* that allow for bylaws to be passed and some sample bylaws are attached to this document in the appendices.

## Definition

A bylaw is a law made by a local authority in accordance with the powers conferred by or delegated to it under a statute, in this case the *MGA*. Council may pass a bylaw to govern the affairs within the council (the procedural bylaw) and bylaws that govern within the municipality. Common bylaws include vehicle parking and stopping regulations, animal control, licensing, noise, business regulation, and management of public recreation areas.

A municipal by-law is no different than any other law of the land, and can be enforced with penalties, challenged in court and must comply with higher levels of law. Municipal bylaws are often enforceable through the public justice system, and offenders can be charged with a criminal offence for breach of a bylaw.

## Authority

Section 180 of the *MGA* states:

(1) A council may act only by resolution or bylaw.

(2) Where a council or municipality is required or authorized under this or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.

(3) Where council is required or authorized under this or any other enactment or bylaw to do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.

## Drafting Bylaws

Drafting bylaws is usually the responsibility of the Chief Administrative Officer (CAO) or a person delegated that function. There are resources available, such as:

(a) Have your municipal solicitor prepare bylaws.

(b) Contact your municipal association for a sample bylaw if one is available.

(c) Obtain a sample bylaw from a neighboring municipality.

(d) Access the Municipal Excellence Network for samples.

Bylaws should be drafted in plain and simple language to ensure that they are easily understood and enforced. Words and phrases that have more than one meaning should be defined within the bylaw. Refer to the *Interpretation Act* to ensure that the intention of any bylaw is not altered by that Act. The *Interpretation Act* is available from the Queen's Printer.

The Interpretation Act states that:

> **Preambles and reference aids**
>
> **12(1)** The preamble of an enactment is a part of the enactment intended to assist in explaining the enactment.
>
> **(2)** In an enactment,
>
> (a) tables of contents,
>
> (b) marginal notes and section headers, and
>
> (c) statutory citations after the end of a section or schedule are not part of the enactment, but are inserted for convenience of reference only.

Bylaws should be logically numbered and indexed for easy reference and tracking. Use a logical sequence when numbering bylaws and include the year that the bylaw was written and a consistent and uniform numbering and/or lettering system for sections, subsections, paragraphs, and sub-paragraphs in your bylaws.

## Parts of a Bylaw

*Corporate Title*

Use the full corporate title of the municipality on the bylaw.

*Bylaw Number*

Use a logical sequence when numbering bylaws and include the year that the bylaw was written.

*Purpose*

Include a brief statement of the bylaw's purpose.

*Definitions*

Terms that are particular to the bylaw must be defined. A word or phrase should be defined only if:

a) It is not being used in its dictionary meaning or is being used in one of several dictionary meanings.

b) It is used as an abbreviation of a longer word or phrase.

c) The definition is intended to limit or extend the ordinary meaning of the word or phrase.

The following are examples of possible definitions:

a) "Select standing committee" means the Select Standing Committee on Legislative Offices;

b) "Lease" *includes* an agreement for lease *(extends)*

c) "Dividend" *does not* include a stock dividend *(limits).*

The *Interpretation Act* includes a listing of general definitions for terms normally used in bylaws.

*Statement of to Whom and to What the Bylaw Applies*

The bylaw must be specific in declaring who or what is affected. For example, "The bylaw applies to all persons and/or all businesses."

*General Rules and Special Provisions*

You may want to set out in the bylaw any special provisions or rules that would be applied. For example, "Garbage collection will be done on Wednesdays for those areas north of the track."

*Schedule Clauses*

A schedule can be added as a supplement to the bylaw. The bylaw will include a reference to the schedule, which is attached and forms part of the bylaw. The schedule should include the bylaw number and a schedule number or letter. Schedules are particularly useful for utility rate bylaws, as these amounts are often subject to review and adjustment.

*Penalty Clause*

Penalty and enforcement sections should be provided for in regulatory bylaws. Section 7(i) of the *MGA* sets out some of the penalties that may be written into bylaws.

*Transitional Clause*

If applicable, provisions must be included that cover the period during which persons affected by the bylaw can do things to conform to the new conditions. Otherwise, the bylaw is in full effect when it is passed.

*Repeal Clause*

All previous bylaws that deal with subjects that are addressed in the new bylaw must either be repealed or amended. In the new bylaw, the number and description of the bylaws to be repealed or amended should be specified.

## Passing a Bylaw

*Effective Date*

A bylaw comes into force at the beginning of the day that it is passed unless otherwise provided for in an enactment or in the bylaw. No bylaw may come into force on the day before it is passed unless the enactment authorizing its passage specifically allows it to come into force that day.

*Readings*

Section 187 of the *MGA* is very specific in its provisions regarding bylaw readings. It states that

every proposed bylaw must have three distinct and separate readings. A proposed bylaw must not have more than two readings at a council meeting unless the councillors present unanimously agree to consider third reading.

The *MGA* requires that before the meeting at which first reading is to take place, each councillor present must be given or have had the opportunity to review the full text of the proposed bylaw. Only the title or identifying number has to be read at each reading of the bylaw.

The recording secretary must make sure all readings are included in the minutes. If all three readings are to take place at the same meeting, the motion to approve the third reading must be unanimous, and the recording secretary must include the motion in the minutes.

### *Signature*

A bylaw must be signed by the chief elected official and a designated officer as outlined in Section 213(3) of the *MGA*. Also, a bylaw is passed after receiving third reading and being signed. Although the legislation does not specifically address the seal on documents, it is advisable to seal over the signatures to deter possible tampering.

Generally, the courts are inclined to quash bylaws that have been passed without strict observation of proper procedures. The *MGA* outlines some of the procedures that must be followed before a bylaw or resolution can be voted on. Certain bylaws cannot be passed until the public has been notified through advertising, of the intention to pass the bylaw. Examples include a road closure under section 22 and bylaw that authorizes a loan under section 265. A first reading can take place before the public is notified, but before second and third readings are held, the administration must follow the advertising requirements set out in section 606.

## Amending or Repealing Bylaws

The power to pass a bylaw includes the power to amend or repeal it. The amendment or repeal must be made in the same way as the original bylaw and is subject to the same consents, conditions, or advertising requirements as the passing of the original bylaw.

## Petition for a Bylaw

Under the *MGA*, electors may petition for a new bylaw or a bylaw to amend or repeal a bylaw on any matter within the council's jurisdiction. A petition requesting an amendment or repeal of a bylaw made under Parts 8 (Financial Administration), 9 (Assessment of Property), 10 (Taxation), or 17 (Planning and Development) of *MGA* has no effect.

Within 30 days of the CAO declaring a petition submitted under Section 232 to be sufficient, the council must give first reading to a bylaw dealing with the subject matter of the petition and any other related matter that the council considers necessary. If there is no requirement to advertise the bylaw, the council must pass the bylaw within 30 days of first reading or set a date for the electors to vote on it. A vote of the electors must be held within 90 days of the first reading.

### Petitions for Advertised Bylaws

After advertising a proposed bylaw, the electors may submit a petition to hold a vote to determine whether the proposed bylaw should be passed. Advertised proposed bylaws under Part 17 (Planning and Development) cannot be petitioned.

If a sufficient petition is received, the council must either decide not to continue with the proposed bylaw or decide to continue and submit the bylaw to a vote of the electors within 90 days after the CAO declares the petition sufficient. Section 231 of the *MGA* details what action council should take after the electors vote.

### Challenging Bylaws

Under section 536 of the *MGA* any person can apply to the Court of Queen's Bench to have a bylaw declared invalid. Section 536(2) allows a person to apply for an order requiring council to amend or repeal a bylaw as a result of a vote by the electors (on the amendment or repeal).

A bylaw can be challenged and declared invalid on the basis that the proceedings and/or the manner of passing the bylaw do not comply with an enactment. The application must be made within 60 days after the bylaw is passed.

An application to the court to quash a bylaw may be made at any time for the following reasons:

- the bylaw is required to be put to a vote of electors and the vote has not been conducted, or the bylaw was not given the required approval in such a vote,
- the bylaw is required to be advertised and it was not, or
- a public hearing is required regarding the bylaw and it was not held. No bylaw or resolution may be challenged on the ground that it is unreasonable.

To avoid challenges to your municipal bylaws, it is recommended that council and administration observe the following:

(a) That the bylaw be enacted according to the Statutes of Alberta

(b) That a municipality cannot enact a bylaw that controls any matter over which the federal or provincial government have exclusive control; for example, a bylaw for the fine or penalty for speeding.

(c) That the bylaw should not treat one group within a class differently from another group. An example of a discriminatory bylaw would be one that closed shops at 6:00 pm in the suburbs, but permitted downtown shops to remain open later.

(d) That council does not pass bylaws that affect an individual's rights

(e) That the meanings within the bylaw are clear and precise. For instance, an unsightly property bylaw stating that the grass must be cut or mowed on a regular basis is not explicit. There is a need to provide a more definite explanation; for example, how long the grass has to be before it is considered unsightly.

There is an expectation that bylaws enacted by a municipality will be enforced. Municipalities have been found negligent by the courts for not enforcing bylaws.

### Security of Bylaws

The security of bylaws is the duty of the CAO according to the provisions of Section 208(d) of the *MGA*. Your bylaws are permanent records and should be stored in a fire proof safe, or perhaps backed up electronically and stored in a secure location. Bylaws may be kept for centuries, so take care of their appearance and preservation.

This guide provides the basic principles for developing bylaws. Understanding the key principles will help drafters develop clear and crisp bylaws.

**This guide is an information summary only and has no legislative sanction. For certainty, refer to the *Municipal Government Act* and the *Interpretation Act.* Copies are available for purchase from Alberta Queen's Printer Bookstore.**

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## Appendix 1 - *Municipal Government Act* Sections Requiring Bylaws

| SECTION | | |
|---|---|---|
| | **PART 2** | |
| **GENERAL JURISDICTION** | | |
| 7 | General jurisdiction to pass bylaws | |
| 8 | Powers under bylaws | |
| | **PART 3** | |
| **ROADS** | | |
| 22 | Road Closure | **Requires Advertising** |
| 26 | Temporary roads and rights of way | |
| 27 | Leases | |
| **MUNICIPAL PUBLIC UTILITIES** | | |
| 33 | Prohibiting other public utilities | |
| **NON-MUNICIPAL PUBLIC UTILITIES** | | |
| 46 | Prohibiting other non-municipal public utilities | |
| **BUSINESS REVITALIZATION ZONES** | | |
| 50 | Business revitalization zones | |
| **REVISION AND CONSOLIDATION OF BYLAWS** | | |
| 63 | Revision and consolidation of bylaws | |
| 64 | Bylaw adopting revised bylaws | |
| 68 | Mistakes during revision | |
| 69 | Consolidation of bylaws | |
| **LIMITS ON MUNICIPAL POWERS** | | |
| 74 | Firearms | |
| 75 | Forest and Prairie Protection Act | |
| | **PART 5** | |
| **COUNCILS AND COUNCIL COMMITTEES** | | |
| 143 | Number of councillors for municipalities | **Requires Advertising** |
| 145 | Bylaws -- council and council committees | |
| **ELECTIONS, APPOINTMENTS AND WARD SYSTEM** | | |
| 148 | Division of municipality into wards | **Requires Advertising** |
| 150 | Election or appointment of chief elected official | **Requires Advertising** |
| **PECUNIARY INTEREST OF COUNCILLORS** | | |
| 171 | Bylaw requiring statement of disclosure | |

## PART 6

## MUNICIPAL ORGANIZATION AND ADMINISTRATION

| | | |
|---|---|---|
| 203 | Delegation by council | |
| 205 | Establishment of chief administrative officer | |
| 210 | Designated officers | |
| 214 | Destruction of records | |
| 230 | Public hearing (Procedures for holding) | |

## PART 8

## BORROWING

| | | |
|---|---|---|
| 251 | Borrowing bylaw | **Requires Advertising** - Review sections 256, 257, 258, 259, 260, 261, 262, 263 to determine if advertising is required for each instance |

## LOANS AND GUARANTEES

| | | |
|---|---|---|
| 265 | Loan bylaw | **Requires Advertising** |
| 266 | Guarantee bylaw | **Requires Advertising** |

## PART 9

## PREPARATION OF ASSESSMENTS

| | |
|---|---|
| 297 | Assigning assessment classes to property |

## PREPARATION OF SUPPLEMENTARY ASSESSMENTS

| | |
|---|---|
| 313 | Preparation of supplementary assessments |

## PART 10

## TAXATION

| | |
|---|---|
| 339 | Incentives - (for payment of property taxes) |
| 340 | Installments |
| 344 | Penalty for non-payment in current year |
| 345 | Penalty for non-payment in other years |
| 351 | Non-taxable property |

## PROPERTY TAX

| | |
|---|---|
| 353 | Property tax bylaw |
| 357 | Special provisions - (compulsory installments) |
| 363 | Exempt property that can be made taxable |
| 364 | Exemptions granted by bylaw |
| 369 | Supplementary property tax bylaw |

## BUSINESS TAX

| | |
|---|---|
| 371 | Business tax bylaw |

| | | |
|---|---|---|
| 377 | Business tax rate bylaw | |
| 379 | Supplementary business tax bylaw | |
| **COMMUNITY REVITALIZATION LEVY** | | |
| 381.2 | Community revitalization levy | |
| **SPECIAL TAX** | | |
| 382 | Special tax bylaw | |
| **WELL DRILLING EQUIPMENT TAX** | | |
| 388 | Well drilling equipment tax bylaw | |
| **LOCAL IMPROVEMENT TAX** | | |
| 397 | Local improvement tax bylaw | |
| **COMMUNITY AGGREGATE PAYMENT LEVY** | | |
| 409.1 | Community aggregate payment levy bylaw | |
| | **PART 11** | |
| **ESTABLISHMENT AND FUNCTION OF ASSESSMENT REVIEW BOARDS** | | |
| 454 | Assessment review boards established (mandatory if complaint received) | |
| | **PART 13** | |
| **POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS** | | |
| 556 | Powers and duties of bylaw enforcement officers | |
| | **PART 15** | |
| **REGIONAL SERVICE COMMISSIONS - ESTABLISHMENT AND OPERATION** | | |
| 602.07 | Bylaws -- Regional Service Commissions | |
| | **PART 17** | |
| **PLANNING AUTHORITIES** | | |
| 623 | Subdivision authority | |
| 624 | Development authority | |
| 625 | Intermunicipal service agency | |
| 626 | Municipal planning commission | |
| 627 | Appeal board established | |
| **INTERMUNICIPAL DEVELOPMENT PLANS** | | |
| 631 | Intermunicipal development plan | **Requires Public Hearing** |
| **MUNICIPAL DEVELOPMENT PLANS** | | |
| 632 | Municipal development plan (Mandatory for municipalities of 3,500 or more in population) | Requires notification of interested parties as per 636.(1)(b) |
| **AREA STRUCTURE PLANS** | | |
| 633 | Area structure plan | **Requires Public Hearing** |

| | | |
|---|---|---|
| **AREA REDEVELOPMENT PLANS** | | |
| 634 | Area redevelopment plan | **Requires Public Hearing** |
| **LAND USE** | | |
| 639 | Land use bylaw | **Requires Public Hearing** |
| **DEVELOPMENT LEVIES AND CONDITIONS** | | |
| **REDEVELOPMENT LEVIES** | | |
| 648 | Offsite levy | **Requires Advertising** |
| **SUBDIVISION OF LAND** | | |
| 658 | Cancellation of plan of subdivision | |
| **RESERVE LAND, LAND FOR ROADS AND UTILITIES** | | |
| 665 | Designation of municipal land | |
| **USE AND DISPOSAL OF RESERVE LAND** | | |
| 676 | Changes to environmental reserves' use of boundaries | **Requires Public Hearing** |

**Bylaws must be prepared**

**Appendix 2 - Sample Bylaws**

These sample bylaws are provided for the information and the convenience of municipalities and are not meant to be all encompassing nor do they have any legislative sanction. For certainty, legal advice should be sought before final reading of a bylaw.

Information provided is solely for the user's information and is provided strictly as is.

Table of Contents:

Establishment Of Assessment Review Boards

Bylaw Enforcement Officer (If appointing a Peace Officer, please consult with the Department of Justice and Solicitor General)

Local Improvement Tax Bylaw

Procedural Bylaw

Property Tax Bylaw

**BYLAW _____**

**ESTABLISHMENT OF ASSESSMENT REVIEW BOARDS**
**MUNICIPALITY OF ANYWHERE, ALBERTA**

---

BEING A BYLAW OF THE MUNICIPALITY OF ANYWHERE IN RELATION TO THE ESTABLISHMENT AND FUNCTION OF ASSESSMENT REVIEW BOARDS

WHEREAS, pursuant to Section 454 of the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto, a council may, establish one or more local assessment review boards and one or more composite assessment review boards;

WHEREAS, pursuant to Sections 454.1 and 454.2 of the Municipal Government Act, a council must appoint three persons as member to each local assessment review board and two persons as members to each composite assessment review board;

WHEREAS, pursuant Section 454.1(2) a council may establish a local assessment review board consisting of one member;

WHEREAS, pursuant to Section 454.2(3) a council may establish a composite assessment review board consisting of one member;

NOW THEREFORE, the Municipality of Anywhere, in the Province of Alberta, duly assembled hereby enacts:

**Title**

1. This Bylaw may be cited as the Assessment Review Board Bylaw.

**Definitions**

2. In this Bylaw:
   a. "Composite Assessment Review Board" means a board established to hear and make decisions on complaints about any matter referred to in Section 460(5) of the Municipal Government Act that is shown on an assessment or tax notice for non-residential property and residential property with four or more dwelling units;
   b. "Council" means the council of Municipality of Anywhere;
   c. "Local Assessment Review Board" means a board established to hear and make decisions on complaints about any matter referred to in Section 460(5) of the Municipal Government Act that is shown on an assessment or tax notice for residential properties with three or less dwelling units and farmland;

d. "Local Member" means a member of a Local Assessment Review Board or Composite Assessment Review Board duly appointed by Council in accordance with the Municipal Government Act, and may include members of Council;
e. "Public Member" means a resident of the municipality; and
f. "Provincially Appointed Member" means a member appointed by the Minister of Municipal Affairs.

**Assessment Review Boards**

3. Council hereby establishes:

   Local Assessment Review Board consisting of one (1) Local Member

   **Or**

   Local Assessment Review Board consisting of one (1) Local Member and two (2) Public members (or any combination of Local and Public Members)

   And

   Composite Assessment Review Board consisting of one (1) Provincial Member

   **Or**

   Composite Assessment Review Board consisting of one(1) Local Member, one (1) Public member and one (1) Provincial Member. (or any combination of Local and Public Members).

4. The Assessment Review Boards shall carry out the duties and responsibilities as set out in the Municipal Government Act and attendant regulations.

**Membership**

5. Members shall be appointed from time to time by resolution of Council.

6. Council must by resolution specify the dates of the beginning and end of the term of office of a Member.

7. All Public Member vacancies shall be advertised to request formal submission of applications from any individual.

8. Appointments of Public Members will be made from those applicants responding on a timely basis to the advertised need.

9. There will be no automatic succession appointments.

10. A Member may not participate unless the person is qualified to do so in accordance with the regulations.

11. An Assessment Review Board may include any combination of Local and Public Members.

**Remuneration**

Remuneration and travel expenses for Local and Public Members shall be in accordance with remunerations as specified under the policy of the Municipality of Anywhere, and shall be established by Council from time to time.

**Repeal**

Bylaw _____, Assessment Review Board Bylaw is hereby repealed upon this Bylaw coming into effect.

READ a first time this _____ day of _____, 20___.

READ a second time this _____ day of _____, 20___.

READ a third time this _____ day of _____, 20___.

Signed this _____ day of _____, 20___.

_____ _____

Chief Elected Official Chief Administrative Officer

**BYLAW _____**

**BYLAW ENFORCEMENT OFFICER**
**MUNICIPALITY OF ANYWHERE**

---

BEING A BYLAW OF THE MUNICIPALITY OF ANYWHERE, IN THE PROVINCE OF LABERTA, TO ESTABLISH THE POSITION OF CHIEF BYLAW ENFORCEMENT OFFICER AND BYLAW ENFORCEMENT OFFICER.

**WHEREAS**, the *MUNICIPAL GOVERNMENT ACT* (Alberta) as amended, provides that a Council shall establish the position of Chief Bylaw Enforcement Officer and Bylaw Enforcement Officer and outline the duties thereof, and

**NOW THEREFORE**, the Municipality of Anywhere, in the Province of Alberta, duly assembled hereby enacts:

**CITATION**

1. This bylaw may be cited as Municipality of Anywhere "Bylaw Enforcement Officer" bylaw.

2. In this bylaw:

   (a) "Appeal Chairman" shall mean the individual appointed by Council, at its annual organizational meeting to conduct appeals from decisions of the Chief Bylaw Enforcement Officer (designated officer) following misconduct hearings, and to hold hearings into alleged misconducts by the Chief Bylaw Enforcement Officer.

   (b) "Council" shall mean the Mayor and Councillors of the Municipality of Anywhere as a Council at duly assembled meetings thereof.

3. Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice versa.

4. Words importing the singular shall include the plural or vice versa whenever the context so requires.

5.

   (a) The Council may from time to time appoint one or more persons as Chief Bylaw Enforcement Officers and may from time to time appoint one or more persons as Bylaw Enforcement Officers.

   (b) The Council may from time to time enter into contracts for the provision of certain bylaw enforcement services outside the boundaries of the municipality and the individuals appointed under this Bylaw are authorized to perform the required services under such agreements.

(c) Council may from time to time enter into contracts with service providers to provide bylaw enforcement services within Municipality of Anywhere and in such instance, Council shall make the necessary appointments of specified individuals as Bylaw Enforcement Officers to give effect to such service contracts.

6. The powers and duties of the Chief Bylaw Enforcement Officer are to:

(a) Ensure that bylaws of the Municipality are enforced;

(b) Provide for the supervision of the performance and conduct of the Bylaw Enforcement Officers of the Municipality;

(c) Discipline Bylaw Enforcement Officers as authorized by this bylaw;

(d) Report to Council and carry out the directions of Council;

(e) Establish standards of uniform, insignia and identification for Bylaw Enforcement Officers;

(f) Assist in the prosecution of breaches of bylaws including the gathering of evidence, the attendance of witnesses and any appearances in court that may be required;

(g) Liaise with the Municipality's solicitors;

(h) Perform other duties as may assigned by the Council of the Municipality;

(i) Perform services in accordance with contracts for services entered into by the Municipality, as assigned by the Council.

7. In addition, the Chief Bylaw Enforcement Officer shall have such powers and duties of a Bylaw Enforcement Officer as are requisite to the performance of his duties.

8. The powers and duties of a Bylaw Enforcement Officer are to:

(a) Enforce the bylaws which Council has authorized the Bylaw Enforcement Officer to enforce within the boundaries of the Municipality;

(b) Enforce the bylaws of another municipality within the boundaries of that municipality when the Municipality has entered into an agreement to provide such a service outside the boundaries of the Municipality.

(c) Follow the directions of the Chief Bylaw Enforcement Officer or his designate and report to the Chief Bylaw Enforcement Officer or his designate as required by him;

(d) Respond to and investigate complaints;

(e) Conduct routine patrols;

(f) Issue notices, tickets or tags;

(g) Assist in the prosecution of bylaw contraventions including gathering of evidence preservation of evidence and appearances in court to provide evidence;

(h) Perform all other duties as may from time to time be assigned by the Chief Bylaw Enforcement Officer;

(i) Take the official oath prescribed by the *OATHS OF OFFICE ACT* upon being appointed as a Bylaw Enforcement Officer and to carry upon his person at all such times as he is acting as a Bylaw Enforcement Officer evidence in writing of his appointment as a Bylaw Enforcement Officer evidence in writing of his appointment as a Bylaw Enforcement Officer of the Municipality.

9. Where it is alleged that a Bylaw Enforcement Officer, in carrying out his duties is guilty of misconduct as set out in this bylaw, the Chief Bylaw Enforcement Officer shall hold a hearing to determine if the Bylaw Enforcement Officer has committed a misconduct in carrying out his duties.

10. Where the Chief Bylaw Enforcement Officer intends to carry out a hearing to determine whether a Bylaw Enforcement Officer has committed a misconduct, the Chief Bylaw Officer shall.

(a) Acknowledge receipt of any complaint received to the complainant;

(b) Provide adequate notice (a minimum of two (2) days) in writing to the Bylaw Enforcement Officer who is alleged to have committed a misconduct and to such other parties as the Chief Bylaw Enforcement Officer considers to be affected by the alleged misconduct;

(c) Provide the Bylaw Enforcement Officer a reasonable opportunity of furnishing relevant evidence at the hearing;

(d) Inform the Bylaw Enforcement Office of the facts in his possession or of the allegations made to him in sufficient detail to:

(i) Permit him to understand the facts or allegations; and,

(ii) Afford him a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations;

(e) Provide the Bylaw Enforcement Officer or his representative an adequate opportunity to make representations by way of argument at the hearing.

11. At the conclusion of a hearing to determine whether there has been a misconduct or within seventy-two (72) hours thereafter, the Chief Bylaw Enforcement Officer may, by a decision in writing with reasons:

(a) Reprimand in writing the Bylaw Enforcement Officer;

(b) Suspend without pay the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality for a term not to exceed six (6) months;

(c) Recommend to Council that the appointment of the Bylaw Enforcement Officer be terminated.

12. An appeal from the decision of the Chief Bylaw Enforcement Officer may be commenced by the Bylaw Enforcement Officer who is the subject of the disciplinary hearing by filing a notice in writing of the appeal with the Appeal Chairman within thirty (30) days of the receipt by the Bylaw Enforcement Officer of the decision.

13. The Appeal Chairman shall hold an appeal hearing within forty-five (45) days of the receipt of the appeal.

14. The Appeal Chairman shall give reasonable notice of the hearing to the appellant, to the Chief Bylaw Enforcement Officer, to the municipal secretary and to such other parties as the Appeal Chairman considers to be affected by the hearing including any complaint.

15. In conducting a hearing, the Appeal Chairman shall follow, with necessary modifications being made, the procedure set out in Section 10 of the bylaw.

16. In determining an appeal, the Appeal Chairman may confirm, revoke or vary the decisions or any conditions attached to a decision by the Chief Bylaw Enforcement and may.

(a) Reprimand in writing the Bylaw Enforcement Officer;

(b) Suspend, without pay, the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Municipality but such suspension shall not exceed six (6) months.

(c) Recommend to Council that the appointment of the person as a Bylaw Enforcement Officer be terminated.

17. The decision of the Appeal Chairman shall be in writing with reasons and shall be rendered within fifteen (15) days of the conclusion of the hearing.

18.

(a) Where it is alleged that the Chief Bylaw Enforcement Officer, in carrying out his duties, is guilty of misconduct as set out in this bylaw the Appeal Chairman shall hold a hearing to determine if the Chief bylaw Enforcement Officer has committed a misconduct in carrying out his duties.

(b) In conducting such a hearing the Appeal Chairman shall follow with necessary modifications being made, the procedure set out in Section 10 of this bylaw.

19. At the conclusion of a hearing to determine whether there has been a misconduct or within seventy-two (72) hours thereafter, the Appeal Chairman may, by a decision in writing with reasons:

    (a) Reprimand in writing the Chief Bylaw Enforcement Officer;

    (b) Suspend, without pay, the Chief Bylaw Enforcement Officer from acting as a Chief Bylaw Enforcement Officer for the Municipality for a term not to exceed six (6) months;

    (c) Recommend to Council that the appointment of the Chief Bylaw Enforcement Officer be terminated.

20. An appeal from the decision of the Appeal Chairman regarding the conduct of the Chief Bylaw Officer who is the subject of the disciplinary hearing may be commenced by the Chief Bylaw Enforcement Officer by filing a notice in writing of the appeal with Council within thirty (30) days of the receipt by the Chief Bylaw Enforcement Officer of the decision.

21. In conducting a hearing, Council shall follow the procedure set out in Sections 10, 14, 16 and 17 of this bylaw.

22. For the purposes of this bylaw, the following shall constitute misconduct by a Bylaw Enforcement Officer:

    (a) Discreditable conduct, where the Bylaw Enforcement Officer:

        (i) Acts in a disorderly or inappropriate manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of law enforcement;

        (ii) Contravenes:

            (1) An *Act* of the Parliament of Canada;

            (2) An *Act* of the Legislature of Alberta;

            (3) Any regulation made under an *Act* of either the Parliament of Canada or the Legislature of Alberta;

            (4) Any provision of an Agreement by which bylaw enforcement services are provided to another municipality.

        where the contravention is of such a character that it would be prejudicial to discipline or likely to bring discredit on the reputation of law enforcement;

        (iii) withholds or suppresses a complaint or report made in respect of a Bylaw Enforcement Officer or Peace Officer;

(iv) Differentially, apply the law or the exercise of his authority on the basis of race, colour, religion, sex, physical disability, marital status, age, ancestry or place of origin;

(b) Neglect of duty, where the Bylaw Enforcement Officer:

(i) Neglects without lawful excuse to promptly or diligently perform his duties as a Bylaw Enforcement Officer.

(c) Deceit, where the Bylaw Enforcement Officer:

(i) Willfully or negligently makes or signs a false, misleading or inaccurate statement or entry in any official document or record;

(ii) Without lawful excuse destroys, mutilates or conceals an official document or record or alters or erases any entry therein;

(d) Breach of confidence, where the Bylaw Enforcement Officer:

(i) Divulges any matter, which it is his duty to keep in confidence.

(e) Corrupt practice, where the Bylaw Enforcement Officer:

(i) Fails to account for or to make a prompt and true return of money or property received in an official capacity;

(ii) Directly or indirectly solicits or receives a payment, gratuity, present, pass, subscription or testimonial without the consent of the Chief Bylaw Enforcement Officer;

(iii) Places himself under a financial, contractual or other obligation to a person in respect of whom he could reasonably expect he may be required to report or give evidence;

(iv) Without lawful excuse, uses his position as a Bylaw Enforcement Officer for his or another person's personal advantage.

(f) Consume liquor while on duty unless otherwise authorized to do so by the Chief.

**Bylaw** _____

This bylaw shall take effect on the day of final passing.

READ a first time this _____ day of _____, 20___.

READ a second time this _____ day of _____, 20___.

READ a third time this _____ day of _____, 20___.

Signed this _____ day of _____, 20___.

_____ _____

Chief Elected Official Chief Administrative Officer

**BYLAW _____**

**LOCAL IMPROVEMENT TAX BYLAW**
**EAST WEST AVENUE**

**MUNICIPALITY OF ANYWHERE, ALBERTA**

---

A BYLAW TO AUTHORIZE THE COUNCIL OF THE MUNICIPALITY OF ANYWHERE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE _____(insert project description)_____

_____.

WHEREAS, the council of the Municipality of Anywhere has decided to issue a bylaw pursuant to Section 397 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta, 2000 to authorize the imposition of a local improvement tax to raise the revenue to pay for

_____

_____(project description)_____; and

WHEREAS, the Municipality of Anywhere has made plans, specifications and estimates for the project and confirms the total cost of the said project is $_____; and

WHEREAS, the Council of the Municipality of Anywhere has estimated the following contributions will be received or applied to the project:

1. Developer Contribution $_____;
2. Financing to be raised by local improvement tax $_____;
3. Municipal Contribution $_____;
4. Grant Funding $_____; and

WHEREAS, the estimated life of the local improvement is _____ (__) years; and

*WHEREAS, the local improvement levy will be shared equally amongst approximately _____ parcels of land*

***OR***

*WHEREAS, the local improvement levy will be shared equitably amongst the parcels of land identified in Schedule A according to the respective amount of linear feet of frontage; and*

WHEREAS, all the required approvals for the project have been obtained and the project is in compliance with all acts and regulations of the Province of Alberta; and

WHEREAS, the Council of the Municipality of Anywhere has given proper notice of intention to undertake and complete _____(description of project)_____

_____, the costs or a portion of the costs thereof to be assigned against abutting owners in accordance with the attached Schedule "A", and no sufficiently signed and valid petition against the said proposal has been received by the Council.

NOW THEREFORE, the Council of the Municipality of Anywhere duly assembled enacts as follows:

1. That for the purposes of

   _____

   _____,

   the sum of $_____ is to be collected by way of special assessment as herein provided in attached Schedule "A".

2. This bylaw shall take effect on the day of final passing.

READ a first time this _____ day of _____, 20___.

READ a second time this _____ day of _____, 20___.

READ a third time this _____ day of _____, 20___.

Signed this _____ day of _____, 20___.

_____ _____

Chief Elected Official Chief Administrative Officer

**Bylaw** _____

**SCHEDULE "A"**

| OWNER OF PARCEL | PARCELS TO BE ASSESSED | ANNUAL TAX PER PARCEL |
|---|---|---|
| DOE, JOHN | PLAN 123-9876, LOT 1 | $ |
| JONES, MARY | PLAN 123-9876, LOT 2 | $ |
| SMITH, BOB | PLAN 123-9876, LOT 3 | $ |
| BLACK, JOE | PLAN 123-9876, LOT 4 | $ |
| GREEN, JAMES | PLAN 123-9876, LOT 5 | $ |
| DOE, ADAM | PLAN 123-9876, LOT 6 | $ |
| SMITH, BETTY | PLAN 123-9876, LOT 7 | $ |

***OR***

**SCHEDULE "A"**

| OWNER OF PARCEL | PARCELS TO BE ASSESSED | LINEAR FEET OF FRONTAGE | ANNUAL TAX PER PARCEL |
|---|---|---|---|
| DOE, JOHN | PLAN 123-9876, LOT 1 | | $ |
| JONES, MARY | PLAN 123-9876, LOT 2 | | $ |
| SMITH, BOB | PLAN 123-9876, LOT 3 | | $ |
| BLACK, JOE | PLAN 123-9876, LOT 4 | | $ |
| GREEN, JAMES | PLAN 123-9876, LOT 5 | | $ |
| DOE, ADAM | PLAN 123-9876, LOT 6 | | $ |
| SMITH, BETTY | PLAN 123-9876, LOT 7 | | $ |

**BYLAW NUMBER _____**

**MUNICIPALITY OF ANYWHERE**

# PROCEDURAL BYLAW

A BYLAW OF THE MUNICIPALITY OF ANYWHERE, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL MEETINGS AND THE TRANSACTING OF BUSINESS BY COUNCIL FOR THE MUNICIPALITY.

**WHEREAS**, it is Council's desire to establish and follow a process and procedure of municipal governance that reflects an open, transparent government where decisions are made after all information has been provided;

**WHEREAS**, pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto, Council may pass bylaws in relation to the procedures of Council and Council Committees, and the conduct of elected officials and members of Council committees; and

The Council hereby establishes the following rules and regulations for the order and conduct in which the business of all Council meetings shall be transacted.

## I. TITLE

This bylaw shall be cited as the "Procedural Bylaw".

## II. DEFINITIONS

"Act" means the *Municipal Government Act (MGA)*, RSA 2000 Chapter M-26 and regulations made under the *MGA* as amended.

"Administration" means the employees of the Municipality of Anywhere.

"Agenda" means the agenda for regular or special meetings of Council prepared pursuant to Section IX of this bylaw.

"Chief Administrative Officer" or "CAO" means the person appointed to that position by Council under the provisions of the *MGA*.

"Council" shall mean the Council of the Municipality of Anywhere.

"Deputy Mayor" shall mean the member who is appointed pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor.

"Electronic Communications" shall mean that members of Council may attend a Council or General Management Committee through electronic communications. This can include using a telephone with the use of the speaker; via personal computer, or other means as technology advances.

"General Management Committee" shall refer to members of Council and administrative leadership team.

"In Camera" means the portion of the meeting at which only members of Council and other persons designated by Council may attend.

"Mayor" shall mean the Chief Elected Official or presiding officer of the Municipality of Anywhere.

"Member" means a member of Council duly elected and continuing to hold office, or where the context requires, a member of a Council committee appointed by Council.

"Municipal Clerk" mean the person appointed to the position as delegated by the CAO for the Municipality of Anywhere.

"Municipality" means the Corporation of the Municipality of Anywhere.

"Notice of Motion" is the means by which a member of Council brings business before Council that is not on the approved agenda.

"Presiding Officer" means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor any other member of Council chosen to preside at the meeting.

"Public Hearing" means a meeting of Council convened to hear matters pursuant to the Act.

"Quorum" is the majority of all members, being fifty (50) percent plus one (1) unless Council provides otherwise in this bylaw.

"Special Meeting" means a meeting called by the Mayor pursuant to the Act.

III. APPLICATION

1. Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice-versa.

2. Words importing the singular shall include the plural or vice-versa whenever the context so requires.

3. This bylaw applies to all meetings of Council, General Management Committee, and Council Committees as identified.

4. The precedence of the rules governing the procedures of Council is:

   (a) the *MGA*;

   (b) other provincial legislation; and

   (c) this bylaw.

5. In the absence of statutory obligation, any provision of this bylaw may be temporarily altered or suspended by an affirmative vote of two-thirds of all members present. A motion to temporarily alter or suspend this bylaw is not debatable or amendable.

IV. ORGANIZATIONAL MEETING

1. Council shall hold an Organizational Meeting not later than two weeks after the third Monday in October each year.

2. The CAO shall set the time and place for the Organizational Meeting, the business of the meeting shall be limited to:

   (a) The appointments of members to Committees which Council is entitled to make;

   (b) Establishing a roster of Deputy Mayors for the following year;

   (c) Any other business required by the *MGA*, or which Council or the CAO may direct.

3. Appointments of Council members to committees shall be for a term of one year, unless otherwise specified and reviewed at the Organizational Meeting.

V. REGULAR AND SPECIAL MEETINGS

1. The date and time of regular Council meetings will be regularly scheduled for the second and fourth Tuesday's of any given month.

2. Regular meetings of Council shall commence at 7:00 p.m., located in the Municipality's Administration Office.

3. If there are changes to the date and time of a regular meeting, the municipality must give at least twenty-four (24) hours notice of the change to all members and post the notice in a public office. Posting a public notice in the front foyer of the Municipality's Administration Office is sufficient notice to the public if administration is unable to advertise the change in the local newspaper.

4. All meetings will be open to members of the public, except for In Camera portions of the meeting.

5. Council has the authority to move "In Camera" pursuant to Section 197(2) of the *MGA* for the purposes of:

   (a) Protecting the Municipality, its operations, economic interests and delivery of its mandate from harm that could result from the release of certain information;

   (b) To comply with Division Two of Part One of the *Freedom of Information and Protection of Privacy Act*.

6. Matters which may be discussed In Camera, include the following:

   (a) Wages, salary and other personnel matters;

   (b) Any information regarding contract negotiations;

   (c) The acquisition, sale, lease or exchange of land;

(d) Matters involving litigation, or the discussion of legal advice provided to the Municipality;

(e) Matters concerning RCMP investigations or confidential reporting; and,

(f) Information pertaining to the Town's accounting practices.

VI. QUORUM

1. When quorum is present at the time set for commencement of a Council meeting, the Mayor shall call the meeting to order.

2. If there is a quorum present at the time set of commencement of Council meeting, but the Mayor and Deputy Mayor are absent, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution.

3. If quorum is not constituted within fifteen (15) minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the members present and adjourn the meeting.

4. Whenever a vote on a motion before Council cannot be taken because of a loss of quorum resulting from:

   (a) The declaration of pecuniary interest or conflict of interest; or

   (b) From a Councillor or Mayor not being present for all or part of a Public Hearing;

   then the motion shall be the first order of business to be proceeded with and disposed of at the meeting of Council under that particular order of business.

5. If a quorum is lost for any other reason than those aforementioned in section VI. 4, the meeting is adjourned.

VII. MEETING THROUGH ELECTRONIC COMMUNICATIONS

1. Council members may attend a Council meeting by means of electronic communication. Acceptable alternatives include: through the use of a telephone (with the speaker on), ensuring that dialogue is available for both parties; through the use of a personal computer; or other means as technology advances.

2. A Council member may attend regular or special Council meetings by means of electronic communication a maximum of three (3) times per calendar year, unless otherwise approved by Council.

3. A Council member shall be permitted to attend a meeting using electronic communication if that location is able to support its use, ensuring that all Council members participating in the meeting area able to communicate effectively.

4. A Council member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.

5. The Mayor, Deputy Mayor or Presiding Officer shall announce to those in attendance at the Council meeting that a Council member is attending the meeting by means of electronic communications.

6. When a vote is called, Council members attending the meeting by means of electronic communications shall be asked to state their vote only after all other Council members present at the meeting have cast their votes by a show of hands.

7. When a Council member attends an In Camera session, they will be required to confirm that they have attended the In Camera session alone in keeping with the definition in this bylaw of "In Camera" by providing a statutory declaration or affidavit sworn or declared before the Municipal Clerk or Commissioner for Oaths prior to the next regular Council meeting.

## VII. CANCELLATION OF MEETINGS

1. A regular meeting may be cancelled:

   (a) by a vote of the majority of members at a previously held meeting; or

   (b) with the written consent of a majority of members, proving twenty-four (24) hours notice is provided to members and the public; or,

   (c) with the written consent of two-thirds (2/3) of the members of Council if twenty-four (24) hours notice is not provided to the public.

2. A special meeting of Council may be cancelled:

   (a) by the Mayor if twenty-four (24) hours written notice is provided to all members and the public, or;

   (b) by the Mayor, with the written consent of two-thirds (2/3) of the members, if less than twenty-four (24) hours' notice is provided to all members.

## IX. AGENDAS FOR COUNCIL MEETINGS

1. The agenda for each regular Council meeting shall be prepared by the Municipal Clerk or designate and provided together with copies of all pertinent correspondence, statements and reports to each member of Council at least four calendar days prior to the meeting.

2. Any Council member, Municipal official, or any other person wishing to have an item of business placed on the agenda for a regular Council meeting, shall make the submission to the Municipal Clerk or CAO not later than 12:00 noon on the Wednesday of the week prior to the meeting. The submission shall contain adequate information to the satisfaction of the Municipal Clerk to enable the Council to consider the matter.

3. The Council shall consider no item of business unless the item has been placed on the agenda, either in the manner described in Section 2, above or as modification to the agenda approved by a vote at the meeting.

4. When the Municipal Clerk receives a request for presentation to the Council, she shall place it on the Council agenda. If the communication is considered administrative in nature, the originator will be notified of the administrative follow-up by the Municipal Clerk.

5. The general order of business on the agenda shall be as follows; however, the actual order may be adjusted by Council as necessary:

   (1) Call to Order

   (2) Modification to or Adoption of Agenda

   (3) Presentations

   (4) Public Hearings

   (5) Adoption of Minutes

   (6) Unfinished Business

   (7) New Business

   (8) Bylaws

   (9) Development Agreements

   (10) Correspondence

   (11) Notices of Motion

   (12) Adjournment

X. Minutes

1. With CAO approval, the Municipal Clerk may delegate any duties relating to Council to other administrative personnel, but shall remain responsible for the performance of those duties.

2. If a member of the Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.

3. The Municipal Clerk shall record in the minutes, each time a member of the Council is absent; and each time a member of Council refrains from discussion and voting by reason of absence or pecuniary interest as well as the general nature of the pecuniary.

XI PRESENTATIONS

1. The Presentations portion of Council meeting shall provide:

   (a) An opportunity for individuals to appear as a formal delegation (i.e., they have submitted information in accordance with Section IX 2. of this bylaw and their submission has been included in the agenda package distributed to Council); and,

   (b) An opportunity for members of the public to ask questions or make brief presentations to Council on matter of public interest or concern.

2. As a guideline, the recommended total time allotment for all presentations at a Council meeting (registered and unregistered presentations) is thirty (30) minutes, subject to the discretion of the Presiding Officer.

3. All persons wishing to address Council will be required to give their name, topic of concern and whether there has been any previous contact with a member of Council or Administration regarding the matter.

4. When individuals wish to appear before the Council as a Registered Presentation, their information will be submitted in accordance with Section IX 2. of this bylaw and their presentation to Council shall be limited to ten (10) minutes, followed by questions from Council members. When individuals wish to appear before the Council during a Public Hearing, their appearance shall be limited to ten (10) minutes.

5. When a member of the public wishes to ask questions or make a brief presentation to Council on matters of public interest or concern, they will be provided with an opportunity to speak during the Unregistered Presentation portion of the agenda. Time permitting each presenter will be provided with a maximum of five (5) minutes, followed by questions from Council members.

6. In the event that all persons who expressed an interest to speak at a Council meeting cannot be heard within the allotted amount of time for Presentations, they will be invited to attend and appear before the next regular Council Meeting, otherwise a time extension beyond the 30 minutes is subject to the discretion of the Presiding Officer.

7. Council will not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, the courts, or require a statutory Public Hearing.

8. A response to each speaker's comments/concerns will be provided through one or more of the following:

   (a) A resolution of Council at the meeting; or,

   (b) Referral of the matter to the Administration for review and recommendation at a subsequent time, depending on the significance of the issue and the time required to adequately research the matter.

XII. GENERAL RULES OF COUNCIL

1. Council meetings shall adjourn at 11:00 p.m. (if in session at that hour), unless the members of the Council present, by a 2/3-majority vote, agree to extend the time.

2. Every person wishing to speak during a Council meeting shall address their comments through the Mayor. The Mayor shall be addressed as "Your Worship" and no person shall be permitted to speak unless and until the Mayor has granted that person permission.

3. A meeting may be adjourned by a motion or by declaration of the Mayor. A declaration by the Mayor to adjourn a meeting may be appealed through a motion decided by a majority of members.

4. Council or council committee meetings may be filmed or recorded by accredited media on permission of council.

XIII. MOTIONS

1. The time limit for speaking shall be set at 3 minutes and the number of times that a member may speak on the same motion or matter will be twice.

2. After a motion is made, it may be withdrawn by the mover at any time before a vote is taken or an amendment is made.

3. The Municipal Clerk shall record all motions in writing before the motion is debated or put to a vote.

4. The Mayor shall reference all motions before they are debated or voted upon.

5. No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.

6. Where a matter under consideration contains several distinct propositions, a member may request, or the Mayor may direct, that each proposition be made as a separate motion.

7. After the Mayor has called the vote, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.

8. Voting on all motions shall be done by clearly raising one hand so that the Mayor may easily count them. When using electronic communications, the Mayor will ask whether the member is voting for or against the motion. After the Mayor has counted the vote, he shall declare whether it was "carried", "carried unanimously" or defeated". Except where provided for in this bylaw or by the applicable legislation, a majority vote of the members present who are eligible to vote, shall decide a motion or question before the Council. If the vote results in a tie, the motion will be considered defeated.

XIV. MOTIONS BEFORE COUNCIL

1. When a motion has been made and is being considered by the Council, no other actions may be considered except:

   (a) A motion to *refer* to some other party for consideration, or to *withdraw* the motion;

   (b) A motion to *amend* the motion;

   (c) A motion to *table* the motion (the motion remains pending in order to address another urgent matter at that meeting);

   (d) Motion to *postpone* the motion to a future date (not beyond the third month from when it was presented);

   (e) A motion to *adjourn* the meeting; and, any necessary resultant motion to postpone shall not be debated except as to the time when the matter will again be considered; or,

   (f) A motion of privilege, an incidental or a subsidiary motion.

2. A motion to refer, adjourn, postpone or to table, until it is voted upon, shall preclude all amendments to the main motion. A motion to refer or postpone is debatable, while a motion to table is not. A motion to adjourn is not debatable except as allowed in Section XII (1)(e) above.

3. Each motion to amend or motion to amend an amendment to a motion:

   (a) Must be relevant to the motion on which it is proposed. Any amendment that raises a new question can only be considered as a new distinct motion;

   (b) Must not propose a direct negative which would be considered out of order;

   (c) Must be decided upon or withdrawn before the main question is put to a vote. Only one amendment at a time to the main motion shall be allowed; and, only one amendment to an amendment shall be allowed at one time;

   (d) Shall not be moved by the original mover of the motion or the amendment;

   (e) Must not enlarge the scope of the amendment (an amendment to an amendment), but should only deal with matters not covered by the original amendment;

   (f) Shall only be sub-amended one time. A request for a second amendment to an amendment would require the current motion to be defeated and a new motion to be moved.

4. A motion to *reconsider* a motion shall:

   (a) only be made at the same meeting the motion was decided;

   (b) only be made by a member who voted with the prevailing side of the motion involved;

   (c) not be proposed more than once for a specific motion at any one meeting of Council;

(d) be decided by a majority of the members of Council present; and,

(e) not be allowed on a motion of adjournment.

5. A motion to *rescind* a previous motion of Council may:

(a) Be made by any member of the Council; and

(i) be offered at any time subsequent to the meeting at which the original motion was passed;

(ii) be passed by:

(1) a vote of 2/3 of the members of Council (who hold office at the time) when the motion is without notice; and

(2) a simple majority of the members of Council present when notice has been given. Notice shall be through a Notice of Motion or the inclusion of the item on an agenda delivered to the members of council before the meeting.

(b) the previous motion has not been acted upon to the extent that the Municipality has undertaken or become subject to any liability or obligation; or

(c) was not a motion for a reading of a bylaw.

6. A motion that will address a bylaw for first reading shall be decided **without amendment or debate, but motions for subsequent readings are** debatable. Each bylaw shall be read a first, second and third time before being signed by the Mayor and Municipal Clerk. Unanimous agreement is required to have the third reading at the same meeting.

XV. NOTICE OF MOTION

1. Council members may bring forward notices of motion as an item on the agenda of a regular Council meeting. Once the Notice of Motion is stated, it will be recorded in the meeting's minutes.

2. A written copy of the Notice of Motion shall be provided to the Municipal Clerk prior to the meeting's adjournment.

3. The Notice of Motion will be placed on the next regular Council Meeting agenda that the elected official who made the Notice of Motion is present, to vote whether the matter will proceed.

4. Once approved by Council, a Notice of Motion given at a regular Council meeting will be addressed in a time frame not beyond the end of the third month from when it was presented, unless Council directs differently.

5. A Notice of Motion cannot be made at a special Council meeting.

6. A motion on Notice is not debatable until a Council member moves the motion.

XVI. MISCELLANEOUS

1. No member shall:

   (a) Use offensive words in or against the Council;

   (b) Speak to a subject, except upon the question in debate;

   (c) Reflect upon any vote of the Council except for the purpose of moving that such a vote be rescinded or reconsidered; or

   (d) Resist the rules of Council or disobey the decision of the Mayor or of the Council on any question of order or practice or upon the interpretation of the rules of the Council. If any member shall so resist or disobey, they may be ordered by a majority vote of the Council to leave their seat for that meeting and should they refuse to do so, the Mayor may request that they be removed by law enforcement. Should the offender provide an ample apology, they may, by majority vote of the Council (without debate), be permitted to return to their seat.

2. The Council may adjourn from time to time to a fixed future date, any special meeting of Council that has been duly convened, but not terminated. The object of adjourning is to finish the business for which the meeting was called, but which has not been completed.

3. No member of the Council shall have the power to direct or interfere with the performance of any work of the Corporation. Council members may seek information through the office of the CAO as established in the Communications Protocol.

XVII. PETITIONS

1. Statutory petitions will be submitted to the CAO and will be processed in accordance with the *MGA*.

2. On receipt of a non-statutory petition, the CAO may do the following:

   (a) Include it as an item on the agenda for the next regular meeting of Council in full or summary form;

   (b) Refer it to Administration for a report to Council or appropriate Council committee;

   (c) Circulate it to the members of Council individually as information if it does not require any further action by Council.

XVIII. DEPUTY-MAYOR

1. The Council at its Organizational Meeting in each election year, or as required, shall appoint from its members, Deputy-Mayor to serve as follows:

| | |
|---|---|
| Year One: | Organizational Meeting – April 30th |
| | May 1st – October 31st |
| Year Two: | November 1st – April 30th |

May 1st – October 31st

Year Three: November 1st – April 30th

May 1st – Organizational Meeting

XIX. Committees And Boards

1. The Council shall appoint Council representatives to such committees, boards and commissions as required by legislation, agreement or bylaw as they deem necessary. Unless an immediate appointment is required mid-term, these appointments shall be made on an annual basis at the Organizational Meeting.

2. The Council may make appointments to a committee at any time, providing that the Council has adopted a bylaw or resolution specifying the terms of reference of the committee. Terms of reference will be adopted by bylaw if the committee is being delegated budgetary responsibilities; whereas adoption through resolution may be used for other committees' terms of reference.

3. It shall be the duty of the Chairman of each board or committee (or his designee), to summon members for meetings.

4. The Mayor shall be an ex-officio member of all Council committees and bodies which Council has a right to appoint members under the *MGA*. (Does not apply to certain committees, e.g. SDAB, ARB, etc.)

5. Appointed Council members shall keep the rest of the Council informed of the actions of committees or boards to which they are appointed by Council, by providing regular activity highlights through their Councillors' reports and statements.

XX. EFFECTIVE DATE

This bylaw shall come into force and effect on the date of its final passing.

READ a first time this _____ day of _____, 20___.

READ a second time this _____ day of _____, 20___.

READ a third time this _____ day of _____, 20___.

Signed this _____ day of _____, 20___.

_____ _____

Chief Elected Official Chief Administrative Officer

**BYLAW NO. _____**

**MUNICIPALITY OF ANYWHERE**

**PROPERTY TAX BYLAW**

A BYLAW TO AUTHORIZE THE RATES OF TAXATION TO BE LEVIED AGAINST ASSESSABLE PROPERTY WITHIN THE MUNICIPALITY OF ANYWHERE FOR THE 20__ TAXATION YEAR.

WHEREAS, the Municipality of Anywhere has prepared and adopted detailed estimates of municipal revenue, expenses and expenditures as required, at the council meeting held on [*Insert Date*]; and

**WHEREAS, the estimated municipal revenues from all sources other than property taxation total $1,700,000 and:**

**WHEREAS, the estimated municipal expenses (excluding non cash items) set out in the annual budget for the Municipality of Anywhere for 20__ total $2,000,000; and the balance of $300,000 is to be raised by general municipal property taxation; and**

**WHEREAS, the estimated amount required to repay principal debt to be raised by general municipal taxation is $200,000 and;**

**WHEREAS, the estimated amount required for current year capital expenditures to be raised by general municipal taxation is $250,000.**

**WHEREAS, the estimated amount required for future financial plans to be raised by municipal taxation is $50,000.; and**

**TIP:**
**Non Cash items** include amortization, write-downs, loss on sale of assets.

Expenses - Revenue + debt repayments + capital expense + future capital savings = **Total Municipal Taxes Required**

**THEREFORE the total amount to be raised by general municipal taxation is $800,000. and**

WHEREAS, the requisitions are:

| | |
|---|---|
| Alberta School Foundation Fund (ASFF) | |
| - Residential/Farm land | $120,000 |
| - Non-residential | $ 83,000 |
| Opted Out School Boards | |
| - Residential/Farm land | $30,000 |
| - Non-residential | $20,750 |
| Housing Management Body Requisition | $8,000 |
| Requisition Allowance* | $ 2,000 |

*TIP: A Requisition allowance assigns a tax rate for the purpose of collecting sufficient revenue for uncollected requisitions levied in a municipality, and may not exceed the rate of uncollected taxes from the previous year, as per section 359(2) of the *Municipal Government Act (MGA)*. This rate does not apply to any shortfall in the collection of the previous year's requisitions. Adjustments for shortfalls or over-collections from the previous year are to be applied to the current year's revenue requirement, as per section 359(3) of the *MGA*.

**Bylaw** _____

WHEREAS, the council is authorized to classify assessed property, and to establish different rates of taxation in respect to each class of property, subject to the *Municipal Government Act*, Chapter M-26, Revised Statues of Alberta, 2000; and

WHEREAS, the assessed value of all property in the Municipality of Anywhere as shown on the assessment roll is:

| | Assessment |
|---|---|
| Residential | $42,680,000 |
| Non-residential | |
| - Vacant | $800,000 |
| - Improved | $16,500,000 |
| Farm land | $200,000 |
| Machinery and Equipment | $150,000 |
| | $60,330,000 |

NOW THEREFORE under the authority of the *Municipal Government Act*, the Council of the Municipality of Anywhere, in the Province of Alberta, enacts as follows:

1. That the Chief Administrative Officer is hereby authorized to levy the following rates of taxation on the assessed value of all property as shown on the assessment roll of the Municipality of Anywhere:

| | Tax Levy | Assessment | Tax Rate |
|---|---|---|---|
| **General Municipal** | | | |
| - Residential & Farm land | $465,000 | $42,880,000 | 0.010844 |
| - Non-residential (Individual) | $307,400 | $17,300,000 | 0.017769 |
| - Machinery & Equipment* | $2,600 | $150,000 | 0.017769 |
| **Estimated minimum tax** | $25,000 | | |
| **Totals:** | $800,000 | $60,330,000 | |
| **ASFF & Opted Out School Boards (Residential & Farm land)** | $150,000 | $42,880,000 | 0.003499** |
| **ASFF & Opted Out School Boards (Non-residential)** | $103,750 | $17,300,000 | 0.005998** |
| **Totals:** | $253,750 | $60,180,000 | |
| **Requisition Allowance** | $2,000 | $60,330,000 | 0.000033 |
| **Housing Management Body** | $8,000 | $60,330,000 | 0.000133 |
| **Totals:** | $10,000 | | |
| **Grand Totals:** | $1,063,750 | | |

*TIP: Properties classed as machinery and equipment cannot be assessed for a Business Tax if a property tax is applied, as per section 376 of the *MGA*.

**TIP: Municipalities are required to set the same local school rates for public (ASFF) and separate (Opted Out) school board supporters for each class of property, as per section 164(2)(b) of the *School Act*.

2. That the minimum amount payable per parcel as property tax for general municipal purposes shall be $250.

3. That this bylaw shall take effect on the date of the third and final reading.

READ a first time on this ___ day of _____, 20__.

READ a second time on this ___ day of _____, 20__.

READ a third and final time on this ___ day of _____, 20__.

Signed this ___ day of _____, 20__.

_____ _____

Chief Elected Official Chief Administrative Officer

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**Example**

This is a sample calculation to illustrate the dollars generated through the assessment times the tax rate:

Total Assessment: $350,000
$350,000 x 0.010844 tax rate = $3,795.40 – General Municipal Taxes
$350,000 x 0.003499 tax rate = $1,224.65 – Alberta School Foundation Fund
$350,000 x 0.000033 tax rate = $ 11.55 – Requisition Allowance
$350,000 x 0.000133 tax rate = $ 46.55 – Housing Management Body
Total Payable = $5,078.15

*In this example, this property is calculated to have general municipal taxes owing of $3,795.40, which is more than the minimum tax of $250, therefore the minimum tax cannot be applied.*